

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE:

B-185128

MATTER OF:

Satwant Singh Bajwa - Administrative Leave

DATE:

DEC

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DIGEST:

Employee of the Nuclear Regulatory Commission may not be granted administrative leave to participate in the Pan American Games as a member of the United States Field Hockey Team.

This matter is a request for a decision submitted by the Controller of the United States Nuclear Regulatory Commission. The issue presented is whether a Commission employee may be granted administrative leave for the time spent as a member of a United States' team participating in the Pan American Games.

Mr. Satwant Singh Bajwa, an employee of the Office of Nuclear Reactor Regulation, of the Commission was selected as a member of the field hockey team representing the United States at the Pan American Games that were held from October 5 through 28, 1975, in Mexico City, Mexico. The Chairman of the United States Olympic Field Hockey Committee requested that Mr. Bajwa be granted administrative leave for the period of his participation in the Games. Instead, Mr. Bajwa was granted annual leave, and the issue was submitted to this Office for decision.

Administrative leave may be defined as the excusing of Federal employees without loss of pay or charge to annual or sick leave accounts, for periods during which they perform no official duties. No general statutory authority exists for granting administrative leave, however, 5 U.S.C. §§ 6321 through 6326 (1970), authorize grants of such leave in specific cases, none of which are relevant here. The Civil Service Commission has issued regulations and guidelines governing the authority of agencies to excuse employees for specific reasons not authorized by statute. The guidelines for employees paid at daily, hourly, or piecework rates are found in 5 C.F.R. Part 610, subpart C. The guidelines for other employees are found in the Federal Personnel Manual, chapter 630, subchapter 11 and FPM Supplement 990-2, Book 630, subchapter S11. In all of the cases discussed, the absences for which employees are to be excused are of short duration, and none would be applicable here.

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We have considered the authority for granting administrative leave in various cases. In 44 Comp. Gen. 643 (1965) we held that Government attorneys who are involuntarily assigned by the courts, without compensation, to represent indigent defendants, could not be granted administrative leave for the time spent handling those cases. In B-166623, April 25, 1969, we ruled that an employee who voluntarily participated in a medical research project could not be granted administrative leave for the period of his participation. In 54 Comp. Gen. 706 (1975) we sustained the denial of administrative leave for time spent in fighting a local fire by an employee who was the elected chief of the local volunteer fire department. In B-156287, February 5, 1975, we held that employees could not be granted administrative leave (for periods ranging from 14 to 31 days) for bar examination preparation. In B-156287, June 26, 1974, we held that an employee could not be granted 6 weeks administrative leave to allow her to work in a volunteer African drought relief program in Niger as a representative of Africare, even though her supervisor stated that the experience would enable the employee to better perform her official duties. Finally, in B-176020, August 4, 1972, in the case most analogous to the case at hand, we held that an employee was not entitled to administrative leave for the time spent representing his installation in a chess tournament.

While the granting of administrative leave is primarily a discretionary determination to be made by the agency involved, that discretion must be exercised within the bounds of the statutes, regulations, and our decisions. Grants of administrative leave are usually for short periods of time, which is not the case here. Reviewing the statutes, regulations and decisions, we find no basis for authorizing administrative leave for Mr. Bajwa under the circumstances presented.

R.F. KELLER

Deputy Comptroller General
of the United States